

REMARKS/ARGUMENTS

Applicant gratefully acknowledges the thorough examination to date and has made an effort to fully respond to all of the issues raised by the Examiner. Applicant has taken care and believes that no new matter has been introduced by way of this response. Reconsideration of the application in view of the following remarks is respectfully requested.

Applicant further acknowledges the telephone interview initiated by Applicant with the Examiner and conducted January 31, 2008 in which the Examiner acknowledged Applicant's contention (set out below) that the primary Straayer *et al.* reference demonstrated no motivation to combine and taught away from the cited secondary Kocis *et al.* reference. The parties agreed that a further search would be required before finding of allowability could be made.

Claims 1, 2, 4-7, 9-10, 12-14 and 21-25

The Examiner has objected to claims 1, 2, 4-7, 9-10, 12-14 and 21-25 as being obvious and unpatentable over Straayer *et al.* (U.S. Patent No. 4,680,577) in view of Kocis *et al.* (U.S. Patent No. 5,485,614).

In particular, the Examiner contends that Straayer *et al.* disclose all of the features of claim 1 with the exception of a command key for sending the command input signal to the processor while depressed in an activated position and the processor programmed for causing the navigation indicator on the display screen to move in a direction corresponding to each of the at least one navigator control input positions when the combined character and navigation key is in such navigation control input position while the command input signal is simultaneously received from the command key.

However, the Examiner goes on to suggest that Kocis *et al.* disclose a command key for sending a command input signal to the processor while in an activated position and for moving the navigation indicator on the display screen in response to the input of one of a plurality of keys (keypad numeric keys overlaid onto certain other standard alphabetic keys).

The Examiner further contends at page 3 of the Office Action, that it would be obvious at the time of invention to modify Straayer *et al.* with the teachings of Kocis *et al.*, on the sole stated basis of "because it prevents accidental control of navigation."

However, "accidental control of navigation" is precluded in the cited Straayer *et al.* reference because the sensors are disposed in pairs on opposite sides of the reference structure **14**, namely sensor pairs **26, 28** and **34, 36**. When the key is depressed or moved in one of the permitted lateral directions, both sensors in the sensor pair record a signal responsive to the magnitude of the gap between the lower portion **16** and the reference structure **14**. (*cf.* column 3, lines 27-column 4, line 4)

Thus, a vertical depression of the key cap **12** (indicative of a keypress as opposed to a navigation input) may be differentiated from a lateral motion (indicative of a navigation input) by the recording of signals from opposing sensors in a pair that are approximately equal in magnitude. Indeed, in a vertical keypress, the signal recorded by all four sensors would be approximately equal.

On the other hand, a lateral movement in a given direction (for example direction **18**), would result in a larger gap in one sensor (sensor **26**) and a smaller gap in the other sensor in the pair (sensor **28**), with the result that a navigation input would never be confused with a keypress input. As such, there would never be any "accidental control of navigation" such that would call for the addition of a command key press as disclosed in the cited Kocis *et al.* reference.

The recent decision of the United States Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ (2d), 1385 (2007) reaffirms the familiar framework for determining obviousness as set forth in *Graham v. John Deere Co.*

In response thereto, the USPTO has published examination guidelines for determining obviousness under 35 U.S.C. 103 in view of this decision, on November 6, 2007. (<http://www.uspto.gov/web/offices/com/sol/og/2007/week45/patguide.htm>).

In this document, the USPTO has identified that:

"The key to supporting any rejection of 35 U.S.C. 103 is a clear articulation of

the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 USC 103 should be made explicit. The Court quoting *In Re Kahn* stated that "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." (82 USPQ 2d at 1396)

Applicant respectfully submits that this has not been done in the present instance.

Nevertheless, Applicant draws to the Examiner's attention, the statement at column 1, lines 33-44 of the cited *Straayer et al.* reference, which provides as follows:

"Another prior approach to cursor positioning was to use four of the existing alphanumeric keys as cursor control keys to provide the four directions of cursor movement. To distinguish cursor movement operation of a cursor control key from its normal character entry operation, an additional entry such as the CONTROL key had to be depressed in combination with the cursor control key. While this approach overcame some of the disadvantages of the special function keys, it has been found that operators were slow to learn this approach due to confusion as to which cursor control key provided which cursor movement." [Emphasis added]

Applicant notes that this prior approach, identified in the *Straayer et al.* reference and decried as being unsuitable, is identically the approach disclosed in the cited *Kocis et al.* reference.

To this end, Applicant refers the Examiner to the statement in the *KSR* decision to the effect that:

"When the prior art teaches away for combining certain known elements, discovery of successful means of combining them is more likely to be non-obvious." (82 USPQ 2d at 1395)

Rather than the vague and unarticulated basis for motivation to combine proffered by the Examiner, Applicant has pointed out that a person of ordinary skill in the art, presented with the *Straayer et al.* reference would not have been motivated to combine it with the methodology taught in the *Kocis et al.* reference, because it was known that such approaches provided confusion as to which cursor control key provided which cursor movement and because the mechanism disclosed in *Straayer et al.* obviated any

need for the simultaneous depression of a command key. There was nothing in the cited Kocis *et al.* reference which would serve to overcome this disadvantage. Moreover, Applicant notes that in the cited Kocis *et al.* reference, the Straayer *et al.* reference was cited, as evidenced from the cover page of such reference.

In any event, Applicant submits that, contrary to the Examiner's contention and the clear wording of the claim, Kocis *et al.* does not teach or suggest any single multi-position key that may be manipulated to produce a plurality of different navigation indicator movements. Rather, each of the plurality of keys corresponds to a single discrete navigation indicator movement. (Column 7, Lines 40-55)

Accordingly, Applicant respectfully submits that the objection of the Examiner has been traversed. Because the objected to claims 2, 4-7, 9-10, 12-14 and 21-25 are all dependent from a now-allowable base claim, Applicant submits that the objection to these claims are also respectfully traversed.

Further, Applicant repeats and relies on its submissions in previous Office Actions with regard to its contention that Straayer *et al.* do not in any event disclose that the character or navigation key is a space bar key and the displayable character is a space character as claimed in dependent claim 2 herein.

Furthermore, in respect of claim 13, the Examiner contends that, notwithstanding his acknowledgment that Osawa *et al.* do not disclose the other switches as being non-dome contact switches, this would be a designer's choice. Applicant notes, as submitted in its response to the Office Action mailed June 29, 2007, that it has specifically taught in the present application, at paragraph 41 thereof, a number of embodiments of which one is a use of dome switches for all of the contact switches. Accordingly, at the restriction in claim 13, the new embodiments in which the first and second switches are non-dome contact switches constitute an inventive feature, which it is respectfully submitted, the Examiner cannot lightly explain away on the basis of obviousness as being a matter of "design choice", when the cited Osawa *et al.* has absolutely no indication of this possibility.

Claim 3

The Examiner has objected to claim 3 as being obvious and unpatentable over Straayer *et al.* in view of Kocis *et al.* and in further view of Osawa. The Examiner has not identified the publication or patent number corresponding to this reference. However, in view of the citation of Osawa *et al.* (U.S. Publication No. 2001/0033270) in previous Office Actions, Applicant assumes that reference to Osawa in the present Office Action is reference to the Osawa *et al.* publication referenced above.

Applicant repeats and relies upon the submissions, set out above, to the effect that there is no need, much less any motivation to combine the cited Straayer *et al.* and Kocis *et al.* references.

Osawa *et al.* do not even contemplate a character insertion mode, as distinguished from a display navigation movement mode by the inculcation of a separate command key, whether or not simultaneously depressed as claimed herein.

Accordingly, there is no motivation to combine the cited Osawa *et al.* reference with any of Straayer *et al.* or Kocis *et al.*

Further, in any event, Applicant repeats and relies upon its submissions in previous Office Actions to the effect that the Examiner lacks the requisite motivation to combine the Straayer *et al.* and Osawa *et al.* references on the basis that Straayer *et al.* is directed to a desktop keyboard, which is sufficiently large that the index fingers of the user may rest in the home position above the designated "F" character key throughout the course of the user's interaction with a keyboard (in this regard, the Examiner is referred to column 1, lines 28-32, to the effect that it was not advantageous to have the operator move his fingers from the home position, and column 5, lines 21-26 of the cited reference in which it has indicated that it is advantageous for the user to maintain its index fingers a large percent of the time above the "F" character key).

By way of contrast, in Osawa *et al.* the invention is directed to a key input device for a portable telephone, which, as shown in the various views of **Figure 3**, is configured so that key input, including that of the multi-position switch is presumably effected by

intermittently positioning a finger, typically the thumb, over each input key as needed, but in the ordinary course of operation of the device, the user's fingers would not linger over any of the input keys thereof.

As claim 3 is dependent from a now-allowable base claim, Applicant submits that the Examiner's objection has been traversed.

Claim 8

The Examiner has objected to claim 8 as being obvious and unpatentable over Straayer *et al.*, in view of Kocis *et al.*, in view of Osawa *et al.* and further view of Lee *et al.* (U.S. Publication No. 2002/019957).

Applicant repeats and relies upon the submissions, set out above, to the effect that there is no motivation to combine the cited Straayer *et al.*, Kocis *et al.* and Osawa *et al.* references.

With respect to claim 8, the Examiner has acknowledged that Straayer *et al.*, Kocis *et al.* and Osawa *et al.* do not disclose an electronic handheld device wherein the display screen is mounted within the face but contends that Lee *et al.* disclose a handheld device with the display screen being mounted within the face, citing as an example, Figure 1 and case 13 disclosed therein. Applicant respectfully disagrees with the contention of the Examiner.

The reference numeral 13 in the Lee *et al.* reference, as submitted in Applicant's response to the Office Action mailed June 29, 2007, is directed not to a face, but rather to a case of the handheld device. As is taught in the Lee *et al.* reference, and is shown in Figure 2 thereof, in fact, the keyboard is not mounted in the face in which the display screen is mounted, namely the front face of the case 13, but rather through a connector in an adjacent face namely the bottom face of the case 13, as shown in paragraph 26 thereof, in which the connector 16 is provided "at a lower end portion" of the PDA 10.

In any event, inasmuch as claim 8 is dependent from a now-allowable base claim, Applicant respectfully submits that the Examiner's objection has been traversed.

Claims 15-17

The Examiner has objected to claims 15-17 as being obvious and unpatentable over Lee *et al.* in view Straayer *et al.* and in further view of Kocis *et al.*

Applicant repeats and relies upon the submissions, set out above, to the effect that there is no motivation to combine the cited Straayer *et al.* and Kocis *et al.* references.

The Examiner has acknowledged that neither Lee *et al.* nor Straayer *et al.* disclose a command key for sending a command input signal through the processor while depressed in an activated position and the processor program for causing the navigation indicator on the display screen can move in a direction corresponding to each of the at least one navigator input positions when the combined character and navigation key is in such navigation control input position while the command input is simultaneously received from the command key. Rather, the Examiner contends that the cited Kocis *et al.* reference provides such teaching.

Moreover, as set out in Applicant's response to the Office Action mailed June 29, 2007, Lee *et al.* is directed to a personal digital assistant (PDA) having a touch screen 14. There is no indication that the PDA has any form whatsoever of cursor control. The need for any such cursor control would be obviated by the touch screen nature of the display 14, which would permit the user to position the cursor anywhere through the display by simply tapping at the desired location of the screen. Moreover, inasmuch as Lee *et al.* disclose a portable keyboard, whose objective is to dispense with the symbol region so as to increase the effective display area of the PDA as taught in paragraph 24 thereof, there would be no motivation to create a redundant system.

Further, Lee *et al.* teach at paragraph 6 thereof, that it would be disadvantageous to have a keyboard of any significant size. Accordingly, there would be no motivation to combine the compact keyboard of Lee *et al.* with any features that would increase the size of the keyboard for the purposes of providing such redundant capability.

Accordingly, Applicant further submits that there is no motivation to combine the cited Lee *et al.* reference with either of the Straayer *et al.* or Kocis *et al.* references.

Applicant notes that the Examiner has apparently included an objection to claim 26, under this heading. Inasmuch as claim 26 is dependent from a now-allowable base claim, Applicant respectfully submits that the Examiner's rejections have been traversed.

Claims 18-20

The Examiner has objected to claims 18-20 as being obvious and unpatentable over Lee *et al.*, in view of Straayer *et al.*, in view of Kocis *et al.* and in further view of Osawa *et al.*

Applicant repeats and relies on the submissions, set out above, to the effect that there is no motivation to combine the cited Straayer *et al.*, Kocis *et al.* and Osawa *et al.* references.

Because these claims are ultimately dependent from an allowable base claim, Applicant submits that the Examiner's rejection has been traversed.

CONCLUSION

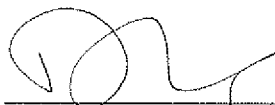
Applicant respectfully submits that all of the outstanding objections has been overcome by way of argument. Applicant believes that no new matter has been entered during this process. Applicant respectfully submits that all of the claims presently standing in the application are patentably distinguished from all of the references of record, either taken alone or in any combination. Accordingly, reconsideration and allowance of this application is respectfully solicited.

These remarks are filed in response to the Examiner's Report of November 27, 2007, a response to which is due by February 27, 2008 to avoid the payment of extension of time fees. Accordingly, Applicant respectfully submits that no extension of time fees fall due in connection with the filing of this response. If Applicant is mistaken, the Commissioner is hereby authorized to deduct any necessary fees from our Deposit Account No. 13-2400.

Should the Examiner believe, however, that additional amendments of the claims may be required to secure allowance of this application, he is invited to telephone the undersigned at the below-noted number to facilitate further prosecution of this application.

Respectfully Submitted,
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